

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,  
  
Plaintiff,

v.

GAIL BONNIE BARTELS,  
  
Defendant.

NO. CR-06-0043-LRS

ORDER ON DEFENDANT'S MOTIONS  
TO DISMISS AND RESETTING THE  
PRETRIAL CONFERENCE

BEFORE THE COURT at the scheduled pretrial conference on August 1, 2006, are Defendant Gail Bartels' Motion to Dismiss All Counts of the Indictment (Ct. Rec. 35), and Defendant's Motion to Dismiss Count 2 of the Indictment for Duplicitous Charging (Ct. Rec. 38). The pretrial conference was held in Spokane via video conference with the Defendant's express permission.

After careful review of the pleadings submitted by all parties and with the benefit of oral argument, this order will memorialize and supplement the oral rulings of the Court on that date, which are incorporated herein by reference.

**IT IS HEREBY ORDERED:**

1. Defendant's Motion to Dismiss All Counts of the Indictment (Ct. Rec. 35) is **DENIED** as to Count 1. The Court **RESERVES** ruling on

1 Counts 2 and 3. The government is GRANTED 15 days to file a  
2 Superceding Indictment.

3 2. The Court **RESERVES** ruling on Defendant's Motion to Dismiss  
4 Count 2 of the Indictment for Duplicitous Charging (Ct. Rec. 38). The  
5 government is GRANTED 15 days to file a Superceding Indictment.

6 3. In the event a Superceding Indictment is filed in this case,  
7 the arraignment will occur on or about **September 6, 2006**.

8 4. All pretrial motions, including motions *in limine*, must be  
9 filed and served **NO LATER THAN August 23, 2006**. Responses and replies  
10 to any motions shall be filed and served in accordance with LR 7.1(c)  
11 and (d).

12 5. The **Pretrial Conference** is **RESET** to **September 6, 2006 at 9:15**  
13 **a.m. by video conference**. At this hearing, the Court will hear all  
14 pretrial motions, including motions *in limine*.

15 6. Trial briefs, requested voir dire, and joint proposed jury  
16 instructions shall be filed and served **NO LATER THAN September 11,**  
17 **2006**. Joint jury instructions should only address issues that are  
18 unique to this case, and shall include instructions regarding the  
19 elements of each claim or defense, and a proposed verdict form.

20 7. The trial date remains the same. The jury trial is SET FOR  
21 **September 18, 2006, at 1:00 p.m. in Spokane, Washington. Counsel**  
22 **shall meet with the Court in Chambers at 12:30 p.m. on the day of**  
23 **trial. Any motions unaddressed at the pretrial conference shall be**  
24 **heard in open court on the day of trial at 1:00 p.m., at which time**  
25 **Defendant shall be present.**

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1       **IT IS SO ORDERED.**     The District Court Executive is directed to  
2 enter this order and to provide copies to all counsel, the U.S. Probation  
3 Office, the U.S. Marshal's Service and the Jury Administrator.

4       **DATED** this 2nd day of August, 2006.

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6                               ***s/Lonny R. Suko***

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                              LONNY R. SUKO  
                              United States District Judge